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Redevelopment Board Minutes 07/16/2007

Arlington Redevelopment Board
Minutes of July 16, 2007

Members Present:

Christopher Loretto
Roland Chaput
Ed Tsoi
Andrew West
Bruce Fitzsimmons

Also Present:

Kevin J. O'Brien
David Berry
Joey Glushko

Roland Chaput called the meeting to order at 7:01 and opened the continued hearing concerning the request for amendment of the special permit for 1098 – 1100 Massachusetts Avenue. Roland Chaput announced that he would recess the hearing for fifteen minutes in order to take an agenda item out of order.

Roland Chaput then asked Sandi Wolchanski and Jake Upton to present their request. They explained that they wished to change some of the team members on the Symmes project. After reviewing materials about the proposed consultants and a short discussion, Bruce Fitzsimmons moved that the Board approve Beals and Thomas as the new civil engineers, Blackstone Consulting as the new environmental engineers, and Matthew Hackman as the project Licensed Site Professional. Ed Tsoi seconded the motion and the Board voted 5 to 0 in favor.

Roland Chaput then re-opened the continuance of the hearing on 1098-1100 Massachusetts Avenue. Peter Nicosia, attorney and Oliver Humbert represented the applicant. Peter Nicosia presented their request. He reminded the Board that they were seeking relief from the parking requirements in order to accommodate a new tenant, the Arlington Enrichment Collaborative. He indicated that the uses in the building do not require much parking, they have analyzed it since the last hearing. He said they understand the issue about display vehicles occupying parking spaces and feel that some accommodation can be made to allow some display. They understand, however that the Board is limited in what it can grant because it must follow the bylaw. Therefore, he requests an amendment to the special permit subject to them obtaining permanent relief from the Zoning Board of Appeals. He asked to bifurcate the issue. He realizes that if they didn't get relief from the ZBA, they were aware of their appellant rights.

Bruce Fitzsimmons asked where the amended special permit would stand if they failed to get relief from the ZBA. Peter Nicosia indicated that they would appeal the ZBA decision, but that the special permit amendment would end if they didn't get permanent relief. Bruce Fitzsimmons asked what the facts are to present to the ZBA. Peter Nicosia indicated that the only issue was the existence of the bylaw, the use provides no problem, he said he was confident they would get relief. Bruce Fitzsimmons asked if it were correct that there was no customer parking available in the center section. Peter Nicosia was not certain of the current state. Bruce Fitzsimmons asked Peter Nicosia if he thought the ARB could amend a special permit if the applicant was already in violation of the permit. Peter Nicosia replied that he thought that because the Ottoson School Parking lot was available to them that they were not in violation.

Andy West asked what they were requesting the Board do. Peter Nicosia replied that he wanted the Board to amend the special permit issued August 16, 2004 to allow the Arlington Enrichment Collaborative to occupy part of the building, contingent upon them getting permanent relief from the ZBA.

Ed Tsoi stated that violations at the property go back at least to 1991 and cited a letter from Alan McClennen from that time. He showed photos from this year and the problem hasn't changed. He stated that he didn't know how the Board could grant relief. Peter Nicosia responded that he should understand how because only the ZBA could grant permanent relief. He concluded that there was no need for more spaces so the ZBA should be able to see their point of view. Ed Tsoi asked why they didn't go to the ZBA first. Peter Nicosia said it was because he thinks the ARB can grant them temporary relief. Ed Tsoi asked if the Board was notified of the new tenant. Kevin O'Brien indicated that there was a requirement for them to notify the Board, but that it had fallen into disuse.

Chris Loreti asked if there had been any changes made on the ground since the previous hearing session. Peter Nicosia said there had not been any changes. Chris Loreti asked if the Town had determined that the Ottoson parking lot had been determined to be a public lot as referred to in the Zoning Bylaw. Kevin O'Brien replied that he was not aware of any such determination. Kevin O'Brien asked the applicant how they planned to use the Ottoson lot and was told that they would use it as public parking within 1,000 feet. Peter Nicosia said that he thought it was not a public lot. Kim Holt from the Arlington Enrichment Collaborative stated that School Committee member Sean Garbally had testified at the last hearing session that it was open to the public. She added that her program was licensed by the State and needed permanent occupancy in order to maintain the license.

Roland Chaput asked when the temporary occupancy permit expires. Kevin O'Brien said that it was open ended, that the Building Inspector needed to know that the applicant was making progress toward a solution in order to leave it in place. When asked where they park, Kim Holt said they park in the Ottoson lot. Roland Chaput showed pictures he had taken that day at noon saying that it showed a lot of display motorcycles parked in the customer parking spaces. Peter Nicosia replied that if they get their relief from the ZBA they're done. Bruce Fitzsimmons asked how they would get a variance given that topography has to be a factor. Peter Nicosia began to explain that they needed thirty spaces because Chris Loreti had pointed out at the last meeting that there was or were additional tenants in the building.

Ed Tsoi asked if the applicant notified the tenant that the building space required parking. Peter Nicosia indicated that he didn't know and suggested a motion to grant them temporary relief. Ed Tsoi moved that the Board take no action on the request to amend the special permit. Chris Loreti seconded the motion and the Board voted 5 to 0 in favor.

Roland Chaput asked Kevin O'Brien to speak about the leasing of the Parmenter and Crosby school buildings. Kevin O'Brien indicated that the Manager wanted the Board to lease the buildings for two years instead of three. After a brief discussion the Board decided to have the Manager come to their next meeting on August 6 to discuss it with him.

The Board and staff then talked about the planning dialog and specifically discussed the possibility of pursuing the concept of a Mill Brook park as was envisioned many years ago. The Board thought the idea had many advantages and asked that staff pursue it. The Board talked about joining the Mill Brook feature with the bikeway and Massachusetts Avenue.

Joey Glushko reported that the Draft Open Space Plan was being completed and hoped to be able to bring it to the August 6 meeting for the Board's review.

The Board asked to devote most of the August 6 meeting to the Planning Dialog effort.

The meeting adjourned at 9:30.

Respectfully submitted,
Kevin J. O'Brien

